

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

CHI THI KIM TRAN,

Plaintiff,

v.

TRACY RENAUD, Senior Official  
Performing the Duties of the Director of U.S.  
Citizenship and Immigration Services,

Defendant.

**4:21CV3054**

**ORDER TO  
SHOW CAUSE**

On March 5, 2021, plaintiff Chi Thi Kim Tran (“Tran”) commenced this action by filing a Complaint to Compel Agency Action under 28 U.S.C. § 1361, and for a Writ of Mandamus to Compel Defendant’s Adjudication of Form I-485 Adjustment of Status Application (Filing No. 1). Tran stated she brought this case to compel defendant Tracy Renaud (“Renaud”), the Senior Official Performing the Duties of the Director of the United States Citizenship and Immigration Services (“USCIS”), to act on Tran’s Application to Adjust Status to Permanent Resident, Form I-485 (“application”). She asked the Court to “issue injunctive relief and a writ in the nature of mandamus compelling [Renaud] to make a determination to grant or deny adjustment of status under 8 U.S.C. § 1255.”

Now before the Court is Renaud’s Motion to Dismiss (Filing No. 13) this action pursuant to Federal Rule of Civil Procedure 12(b)(1) and (6). Renaud contends this case is moot and should be dismissed for lack of subject-matter jurisdiction because the USCIS carefully reviewed the record in Tran’s case and issued a decision denying Tran’s application on July 1, 2021. *See* U.S. Const. art. III, § 2, cl. 1 (limiting the jurisdiction of federal courts to actual “Cases” and “Controversies”). Renaud further argues no mootness exception applies.

Renaud's suggestion of mootness seems well-founded. As Renaud aptly points out, the Supreme Court has made clear, "A case becomes moot—and therefore no longer a 'Case' or 'Controversy' for purposes of Article III—'when the issues presented are no longer "live" or the parties lack a legally cognizable interest in the outcome.'" *Already, LLC v. Nike, Inc.*, 568 U.S. 85, 91 (2013) (quoting *Murphy v. Hunt*, 455 U.S. 478, 481 (1982) (per curiam)).

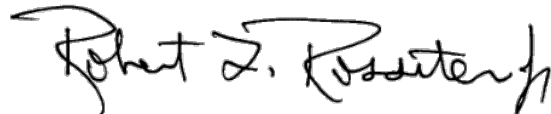
Tran has not responded to Renaud's motion to dismiss, and the time to respond has now passed. Circumstances suggest that Tran does not deny the case is moot, but the Court wants to be sure of Tran's position before dismissing her case. Accordingly,

IT IS ORDERED:

1. Plaintiff Chi Thi Kim Tran shall have until August 20, 2021, to show cause why this case should not be dismissed as moot.
2. Failure to timely respond to this Order to Show Cause will result in the dismissal of this case without further notice.

Dated this 9th day of August 2021.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.  
Chief United States District Judge